

### **REMARKS**

The Office Action mailed June 22, 2004, has been carefully considered by applicant. Reconsideration is respectfully requested in view of the foregoing claim amendments and the remarks that follow.

Claims 1-28 and 35 are cancelled.

Claims 29-34 are withdrawn.

Claims 36-43 are added.

#### **Claim Rejections Under 35 USC §112**

Claims 1, 4-7 and 27-28 have been rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement. By the present Amendment, claims 1, 4-7 and 27-28 are cancelled, thus rendering the outstanding rejections of those claims moot.

#### **Claim Rejections Under 35 USC §103**

Claims 1, 15, 16, 18 and 24-28 have been rejected under 35 USC §103(a) as being unpatentable over Raines U.S. Patent No. 6,149,587 in view of Begun et al U.S. Patent No. 5,474,090 and further in view of Nakamura U.S. Patent No. 6,380,921. Claim 4 has been rejected under 35 USC §103(a) as being unpatentable over Raines '587 in view of Begun et al '090 and further in view of Nakamura '921 and further in view of Polley et al U.S. Patent No. 5,868,487. Claims 5-14, 22 and 23 have been rejected under 35 USC §103(a) as being unpatentable over Raines '587 in view of Begun et al '090 in view of Nakamura '921 and further in view of Nelms et al U.S. Patent No. 4,365,290.

By the present Amendment, claims 1, 4-16, 18 and 22-28 are cancelled, thus rendering the outstanding rejections of those claims moot.

#### **Objection to the Specification**

The Amendment filed 3/30/04 has been objected to under 35 USC §132 because according to the Examiner, claims 1, 4-7 and 27-28 introduced new matter into the disclosure of the invention. By the present Amendment, claims 1, 4-7 and 27-28 are cancelled, thus rendering the outstanding rejections under 35 USC §132 moot.

New Independent Claim 36

New claim 36 has been added to more particularly point out and distinctly claim the subject matter of the present invention, and render the same allowable over the references previously applied in the present application. New claim 36 recites a medical testing system for monitoring the electrical activity of a patient's heart. One of the unique features of the presently claimed invention is that it affords the ability to concurrently perform both electrocardiogram and echocardiogram monitoring procedures in the same location, regardless of the lighting conditions in the surrounding environment. The system comprises a movable cart which houses a control system for controlling both the electrocardiogram and echocardiogram procedures. The control system has a display for displaying monitoring output from the electrocardiogram and echocardiogram monitoring procedures. In one embodiment, the display can comprise a computer monitor. The central control system further has a printer for printing monitoring output from the electrocardiogram or echocardiogram monitoring procedures. The printed monitoring output is disposed on a work surface. The control system further has a keypad having a plurality of keys for inputting control commands to the control system to conduct the echocardiogram procedures and a keyboard having a plurality of keys for inputting commands to the control system to conduct the electrocardiogram and echocardiogram procedures. An illuminating component is provided for selectively illuminating the work surface, keypad and keyboard and thereby facilitating successive performance of the electrocardiogram and echocardiogram monitoring procedures by allowing a caregiver to view and manipulate the keys on the keypad and keyboard and view the printed monitoring output regardless of the lighting conditions of the location. After operation is completed, the illuminating component is adapted to be automatically de-activated if a key of the keypad is not activated for a predetermined time period.

In the outstanding Office Action, the Examiner selects various individual aspects of the invention (as previously claimed) in an attempt to arrive at the present invention. For example, the Examiner cites Raines '587 (Fig. 1; teaching an office desk, computer

and office lamp combination) in combination with Begun et al '090 (teaching an ECG printed output moving across a work surface) and Nakamura '921 (teaching a laptop computer having a light source 30 that selectively illuminates display 2 when lid 4 is unfolded). However, it is impermissible for the Examiner to use the claimed invention as an instruction manual or template to piece together the teachings of the prior art so that the claimed invention is rendered obvious. In other words, the Examiner cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.

As discussed in the present application, there is a growing trend among hospitals and health care providers to use both an electrocardiogram testing system in conjunction with an echocardiogram testing system at the same location. However, because the echocardiogram testing procedure is usually performed in the darkness, the physician is unable to view, analyze and make appropriate notes on the paper relative to the waveforms with the signals received from the electrodes. In addition, when the physician completes the analysis of the electrocardiogram waveforms, the physician is unable to manipulate the keypads to turn off the thermal writer or to control any of the other functions of the electrocardiograph machine. Applicant alone has recognized the severe disadvantages of this situation and by the present application has proposed a unique, novel system that affords the performance of both electrocardiogram and echocardiogram monitoring procedures in the same location, regardless of the surrounding lighting conditions of the location. This problem, or the novel solution provided by the present application is not taught, suggested, or even recognized by the prior art.

Although numerous elements recited in the presently claimed invention are found in the cited references, applicant strongly asserts that it is the combination of elements set forth in new claim 36 that provide a unique, novel and highly desirable solution to the current inefficiencies resulting from successive performance of electrocardiogram and echocardiogram procedures in the same location. None of the cited references teach, suggest or even relate to the problems solved by the present invention.

In addition, new claim 36 sets forth several structural limitations which are not found in the cited references. For example, none of the cited references teach or suggest a system for monitoring the electrical activity of a patient's heart that includes a movable cart having a central control system for controlling both electrocardiogram and echocardiogram procedures. In addition, none of the cited references disclose a medical testing system having both a keypad for inputting control commands to the control system to conduct the echocardiogram procedures and a keyboard having a plurality of keys for inputting commands to the control system to conduct the electrocardiogram and/or echocardiogram procedures. Of course, none of the applied references teach a system having an illuminating component that is capable of selectively illuminating the work surface, keypad and keyboard to facilitate successive performance of the electrocardiogram and echocardiogram monitoring procedures.

In view of the comments provided above, claim 36 is believed both novel and non-obvious over the prior art.

#### Claims 37-43

Claims 37-43 depend directly or indirectly from claim 36 and are thus believed allowable for the reasons stated above, as well as the subject matter recited therein.

The cited prior art fails to teach or suggest a movable cart that comprises a plate for supporting the display and wherein the illuminating component is attached to the plate.

The cited prior art fails to teach or suggest that the illuminating component comprises a circuit board having a plurality of light emitting diodes.

The cited prior art fails to teach that the illuminating component can be activated or de-activated by actuating a key on the keypad.

The cited prior art fails to teach or suggest that the illuminating component comprises a plurality of light emitting diodes.

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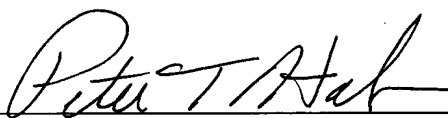
The cited prior art fails to teach or suggest that the printer comprises a thermal writer with a paper roller that feeds paper across a heated printer head and then onto the work surface.

Conclusion

The present application is thus believed in condition for allowance with claims 36-43. Such action is respectfully requested.

Respectfully submitted,

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